

Remarks

Reconsideration of pending Claims 1-14, 16-25, 27-48, 50-60, 62-71, 74, 75, 77-79, and 139-156 is respectfully requested.

Claims 1, 27, 28, 31, 42, 51, 52, 54, 55, 60, 62, 139-143, and 146-148 have been amended.

Claims 15, 49, 61, and 73 are currently canceled.

New Claims 149-156 have been added. Support for the new claims is in Claims 146-148, and the specification at page 7, lines 16-17 (microbial agent consisting essentially of a mixture of sorbic acid and benzoic acid), and at page 7, lines 18-20 (organic solvent).

The amendments and new claims are intended to merely clarify the subject matter claimed. No new matter has been added with the amendments of the addition of the new claims.

Objections to Claims

The Examiner objected to Claims 77 and 144 on the basis that they do not limit the claimed composition but simply add limitations to its *intended use*.

Applicant respectfully disagrees with the Examiner's objection. Claims 77 and 144 further define the *effective amounts* of the elements of the cleaning composition as being effective for removal of the recited residual metal particles from a semiconductor substrate.

Regarding the objection to Claim 145, as suggested by the Examiner, the identifier of Claim 145 has been corrected to read as "withdrawn."

Accordingly, withdrawal of the Examiner's objections to the claims is respectfully requested.

Rejection of Claims under 35 U.S.C. § 103(a) (Pergozen)

The Examiner rejected Claims 1-7, 9, 10, 15, 18-20, 22-24, 27, 28, 30-37, 42-46, 49, 50, 55-60, 62-66, 70, 71, 77, and 139-148 under Section 103(a) as obvious over Pergozen. Insofar as this rejection is maintained with respect to the claims as amended, this rejection is respectfully traversed.

Pergozen does not teach or suggest Applicant's compositions as claimed – having a *pH* of about 5 to 6.5.

Rather, Pregozen particularly teaches the compositions having a pH of from 3.5 to 4.5 – with pH 4.0 to 4.3 being preferred. As taught by Pregozen, that pH range is important to achieve the antimicrobial activity derived from potassium sorbate – which, as stated by Pregozen, is due primarily to undissociated sorbic acid at pH 3.5 to 4.5. See Pregozen at col. 4, lines 14-23

The pH of the aqueous composition should be in the range of from about 3.5 to about 4.5 and preferably from about 4.0 to about 4.3. As disclosed hereinbefore, the antimicrobial activity derived from the use of potassium sorbate is due primarily to undissociated sorbic acid which is formed in situ in the pH range of 3.5 to 4.5. Citric acid is employed in the aqueous composition as a pH adjuster in an amount that ensures that the pH of the aqueous composition will fall in the range of from 3.5 to about 4.5...

One skilled in the art reading Pregozen's disclosure would not prepare that composition at a pH range of about 5 to 6 as provided by Applicant's composition.

Pregozen does not teach or suggest Applicant's compositions as claimed. Accordingly, withdrawal of this rejection is respectfully requested.

Rejection of Claims under 35 U.S.C. § 103(a) (Pregozen, Small)

The Examiner rejected Claims 16, 17, 51-54, 61, and 73 under Section 103(a) as obvious over Pregozen in view of Small (USP 6,156,661). Insofar as this rejection is maintained with respect to the claims as amended, this rejection is respectfully traversed.

The Examiner maintains that it would be obvious to utilize an ammonium hydroxide (TMAH, NH₄OH) buffering agent in the composition taught by Pregozen.

For the above-stated reasons as to the failure of Pregozen to teach or suggest Applicant's compositions as presently claimed having a pH of about 5 to 6, the added disclosure of Small does not correct the deficiencies of Pregozen.

Pregozen, either alone or combined with Small, does not teach or suggest Applicant's compositions as claimed. Accordingly, withdrawal of this rejection is respectfully requested.

Extension of Term. The proceedings herein are for a patent application and the provisions of 37 CFR § 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition for extension of time. If any extension is

required and/or any fee is due, please consider this a petition therefor and charge the required fee to Account No. 23-2053.

Excess Claims Fees. Please charge any excess fees that are due for the added claims to Account No. 23-2053.

It is respectfully submitted that the claims are in condition for allowance and notification to that effect is earnestly solicited.

Respectfully submitted,



Kristine M. Strodthoff
Reg. No. 34,259

Dated: JULY 10, 2006

WHYTE HIRSCHBOECK DUDEK S.C.
555 East Wells Street
Suite 1900
Milwaukee, Wisconsin 53202-3819
(414) 273-2100
Customer No. 31870